

An unpublished opinion of the North Carolina Court of Appeals does not constitute controlling legal authority. Citation is disfavored, but may be permitted in accordance with the provisions of Rule 30(e)(3) of the North Carolina Rules of Appellate Procedure.

NO. COA03-1543

NORTH CAROLINA COURT OF APPEALS

Filed: 02 May 2006

STATE OF NORTH CAROLINA

v.

Craven County
No. 03 CRS 51405-09
03 CRS 2594

CHRISTOPHER DALE RIDLEY,
Defendant.

Appeal by defendant from judgment entered 18 July 2003 by Judge Benjamin G. Alford in Craven County Superior Court. Heard in the Court of Appeals 14 April 2006.

Attorney General Roy Cooper, by Assistant Attorney General Benjamin M. Turnage, for the State.

John T. Hall, for defendant.

STEELMAN, Judge.

On 14 July 2003, Christopher Dale Ridley (defendant) entered pleas of guilty to five counts of first degree sex offense and one count of first degree kidnapping. Pursuant to a plea arrangement all counts were consolidated for sentencing. The trial court found one aggravating factor, four mitigating factors, and that the aggravating factor outweighed the mitigating factors. Defendant was sentenced as a prior record level I, and received an aggravated sentence of 300-369 months imprisonment. Defendant appeals.

This case was on direct appeal when the Supreme Court decision in *State v. Allen*, 359 N.C. 425, 615 S.E.2d 256 (2005) was filed, and is therefore controlled by its holding. The trial court found the aggravating factor, without a jury. Under *Allen*, this matter must be remanded for a new sentencing hearing.

NEW SENTENCING HEARING.

Judges HUDSON and JACKSON concur.

Report per Rule 30(e).